HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 3308 (MS) OF 2001

OLD NO. 10607 of 1981

Laxmi Lal Shah,
Son of Sri Devi Lal Shah,
Resident of Devi Niwas,
Talli Tal, Nainital. .....Petitioner.

Versus

The Ist Additional District Judge,
Nainitqal and others. .....Respondents.

Hon'ble Rajesh Tandon J.

By the impugned order the Rent Control and Eviction Officer has recorded a finding that the premises in dispute is vacant and the same was released in favour of landlord on the revision filed by the parties. The same was allowed holding there is no vacancy. The findings of the Revisional Court cannot be interfered under Article 226 / 227 of the Constitution of India.

In view of the aforesaid fact, it appears that the writ petition has become infructuous.

Liberty is given to the petitioner for applying for recalling of the order, if the cause of action still survives.

Subject to the aforesaid observation, the writ petition is dismissed. No order as to costs.

30.09.2004 (RAJESH TANDON J.)
Rathour